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August 6, 2008
Refer to PI 07 17810

The Honorable Susan L. Robinson
District of Delaware
844 North King Street
Wilmington, DE 19801

RE: Davis v. FCM
C.A. No. 04-209-SLR

Dear Judge Robinson:

On or about July 28, 2008 I filed a Motion for Sanctions pursuant to Rule 37(b)(2) for the plaintiff's failure to submit to a deposition. Today I received a transcript that captured part of the conversation, but the plaintiff was not sworn in and did not want to be deposed. If the Court would like to review the transcript, please advise and I will file an amended motion and include the transcript as an exhibit.

Thank you.

Respectfully submitted,


Patrick G. Rock

PGR/sn/406973
Cc William F. Davis, III